

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

CIRCUIT CITY STORES, INC., *et al.*

Debtors.

Chapter 11

Case No. 08-35653-KRH

Jointly Administered

Judge Kevin R. Huennekeus

**AFFIDAVIT OF ROBERT L. SEWARD, M.D. IN SUPPORT OF
MOTION OF MICHAEL T. CHALIFOUX TO FILE LATE PROOF OF CLAIM**

ROBERT L. SEWARD, M.D., being first duly sworn, deposes and states as follows:

1. I am a licensed psychiatrist engaged in the private practice of psychiatry at, among other places, the Tucker Psychiatric Clinic, with locations at 1000 Boulders Parkway, Suite 202, Richmond, Virginia 23225, and ~~1807 Libbie Avenue, Suite 206, Richmond, Virginia 23226~~. I am also the psychiatrist for Westminster Canterbury located at 1600 Westbrook Avenue, Richmond, Virginia 23227. I am over the age of eighteen (18) and competent to testify to the facts and matters set forth in this affidavit, of which I have personal knowledge except where is specifically indicated.

2. I am a graduate of the Department of Psychiatric Medicine at the University of Virginia, where I was Chief Resident, and I have been engaged in the private practice of psychiatric medicine in Richmond since 1999. Among other specialties I am an expert in the field of geriatric psychiatry, working with patients who have cognitive impairments such as delusions, dementia and psychosis due to Alzheimer's Dementia and other conditions affecting their cognitive abilities.

EXHIBIT

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3. Since September 20, 2007 I have periodically treated Mr. Michael T. Chalifoux for symptoms relating to Alzheimer's Dementia with depression, with which he was diagnosed in September 2007. Among other things I have prescribed the prescription medications Aricept, ~~Celebrex~~ *Seroquel* and ~~Theraquel~~ to meliorate the symptoms of Mr. Chalifoux's disease. I last saw Mr. Chalifoux on December 19, 2008.

4. Based on my repeated examinations and treatment of Mr. Chalifoux and my training and experience in the field of psychiatric medicine, it is my opinion, within a reasonable degree of medical certainty, that Mr. Chalifoux's prognosis is poor, and that his cognitive decline due to the progression of his disease will continue. Further, it is my observation from repeated examinations of Mr. Chalifoux that he suffers from very poor insight, is irritable, and does not understand the seriousness of his condition or his need for assistance in managing his personal and financial affairs.

5. Also based on my repeated examinations and treatment of Mr. Chalifoux it is my opinion, within a reasonable degree of medical certainty, that Mr. Chalifoux is unable to understand legal notices or other documents that he might receive, and that he has great difficulty remembering whether he has, in fact, actually received them. Specifically, it is my opinion that Mr. Chalifoux would have been unable to understand the attached "Notice of Deadline for Filing Proofs of Claim," or to remember that he had received it.

I declare under penalty of perjury that the contents of the foregoing affidavit are true and correct.

3/18/09
Date

Robert L. Seward, M.D.
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